

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARQUICE EVANS,)	
Plaintiff,)	
)	C.A. No. 21-263 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
RICHARD LORAH, et al.,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Marquice Evans, an inmate incarcerated at the State Correctional Facility at Albion, Pennsylvania, initiated this action on September 22, 2021, by filing a *pro se* civil rights complaint [ECF No. 1-1], accompanied by a motion to proceed *in forma pauperis* (“ifp motion”) [ECF No. 1]. Named as Defendants are Erie County Police Chief Richard Lorah (“Lorah”), Detective Sean Bogart (“Bogart”), former Magisterial District Judge Tom Robie (“Robie”), former Erie County District Attorneys Jack Daneri (“Daneri”) and Erin Connelly (“Connelly”), and Erie County Court of Common Pleas Judges John Trucilla (“Trucilla”) and Jamie Mead (“Mead”). The Court granted Plaintiff’s ifp motion on March 30, 2022 [ECF No. 6]. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

In his *pro se* complaint, Plaintiff asserts claims of false arrest, false imprisonment, malicious prosecution, and abuse of process arising from a criminal complaint that was filed against him on August 19, 2015. In addition, Plaintiff makes passing references to various

constitutional violations allegedly committed by Defendants, including violations of due process, equal protection, cruel and unusual punishment, and the right to confront witnesses.

On April 1, 2022, Judge Lanzillo issued a report and recommendation (“R&R”) recommending that all of Plaintiff’s claims against Defendants Robie, Daneri, Connelly, Trucilla, and Mead, as well as his claims of false arrest and false imprisonment against Defendants Lorah and Bogart, be dismissed as legally frivolous in accordance with 28 U.S.C. §1915(e), for failure to state claims upon which relief may be granted [ECF No. 8]. In particular, Judge Lanzillo found, *inter alia*, that Plaintiff’s claims against Defendants Daneri and Connelly are barred by the doctrine of absolute prosecutorial immunity; Plaintiff’s claims against Defendants Robie, Trucilla, and Mead are barred by both Eleventh Amendment immunity and absolute judicial immunity; and Plaintiff’s claims of false arrest and false imprisonment against Defendants Lorah and Bogart are barred by the applicable two-year statute of limitations. Plaintiff has filed timely objections to the R&R [ECF No. 9], in which he concedes that his claims of false arrest and false imprisonment against Defendants Lorah and Bogart are time-barred (*Id.* at p. 4), and otherwise restates his claims against the remaining Defendants without setting forth any grounds upon which immunity should not be granted.

After de novo review of the complaint, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 28th day of April, 2022;

IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued April 1, 2022 [ECF No. 8], is adopted as the opinion of the Court, and all of Plaintiff’s claims against Defendants Robie, Daneri, Connelly, Trucilla, and Mead, as well as

Plaintiff's claims of false arrest and false imprisonment against Defendants Lorah and Bogart, are DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e), for the reasons stated. Since the defects identified by the Magistrate Judge cannot be corrected by amendment, such claims are dismissed with prejudice. The Clerk is directed to terminate Defendants Robie, Daneri, Connelly, Trucilla, and Mead from this case. By virtue of the foregoing, the only claims remaining in this case are the claims of malicious prosecution and abuse of process against Defendants Lorah and Bogart.



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

all parties of record